United Nations A/C.3/64/L.52

General Assembly

Distr.: Limited
2 November 2009

Original: English

Sixty-fourth session
Third Committee
Agenda item 41
Report of the United Nations High Commissioner for Refugees, questions relating to refugees, returnees and displaced persons and humanitarian questions

Afghanistan, Andorra, Argentina, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, China, Côte d'Ivoire, Croatia, Cyprus, Denmark, Egypt, Eritrea, Estonia, Fiji, Finland, Georgia, Germany, Honduras, Hungary, Iceland, Italy, Jamaica, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Madagascar, Monaco, Netherlands, New Zealand, Norway, Peru, Poland, Portugal, Republic of Moldova, Romania, Senegal, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland and United Kingdom of Great Britain and Northern Ireland: draft resolution

Office of the United Nations High Commissioner for Refugees

The General Assembly,

Having considered the report of the United Nations High Commissioner for Refugees on the activities of his Office[1] and the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixtieth session[2] and the decisions contained therein,

Recalling its previous annual resolutions on the work of the Office of the United Nations High Commissioner for Refugees since its establishment by the General Assembly,

Expressing its appreciation for the leadership shown by the High Commissioner, commending the staff and implementing partners of the Office of the High Commissioner for the competent, courageous and dedicated manner in which they discharge their responsibilities, and underlining its strong condemnation of all forms of violence to which humanitarian personnel and United Nations and associated personnel are increasingly exposed,

[1] *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 12* (A/64/12).
[2] Ibid., *Supplement No. 12A* (A/64/12/Add.1).

Please recycle

1. *Endorses* the report of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on the work of its sixtieth session;[2]

2. *Welcomes* the important work undertaken by the Office of the United Nations High Commissioner for Refugees and its Executive Committee in the course of the year, which is aimed at strengthening the international protection regime and at assisting Governments in meeting their protection responsibilities;

3. *Reaffirms* the 1951 Convention relating to the Status of Refugees[3] and the 1967 Protocol thereto[4] as the foundation of the international refugee protection regime, recognizes the importance of their full and effective application by States parties and the values they embody, notes with satisfaction that one hundred and forty-seven States are now parties to one instrument or to both, encourages States not parties to consider acceding to those instruments, underlines in particular the importance of full respect for the principle of non-refoulement, and recognizes that a number of States not parties to the international refugee instruments have shown a generous approach to hosting refugees;

4. *Notes* that sixty-five States are now parties to the 1954 Convention relating to the Status of Stateless Persons[5] and that thirty-seven States are parties to the 1961 Convention on the Reduction of Statelessness,[6] encourages States that have not done so to give consideration to acceding to those instruments, notes the work of the High Commissioner in regard to identifying stateless persons, preventing and reducing statelessness and protecting stateless persons, and urges the Office of the High Commissioner to continue to work in this area in accordance with relevant General Assembly resolutions and Executive Committee conclusions;

5. *Takes note* of the sixtieth anniversary of the Geneva Conventions[7] and the fortieth anniversary of the Convention Governing the Specific Aspects of Refugee Problems in Africa,[8] commemorated in 2009;

6. *Re-emphasizes* that the protection of refugees is primarily the responsibility of States, whose full and effective cooperation, action and political resolve are required to enable the Office of the High Commissioner to fulfil its mandated functions, and strongly emphasizes, in this context, the importance of active international solidarity and burden- and responsibility-sharing;

7. *Also re-emphasizes* that prevention and reduction of statelessness are primarily the responsibility of States, in appropriate cooperation with the international community;

8. *Further re-emphasizes* that protection of and assistance to internally displaced persons are primarily the responsibility of States, in appropriate cooperation with the international community;

[3] United Nations, *Treaty Series*, vol. 189, No. 2545.
[4] Ibid., vol. 606, No. 8791.
[5] Ibid., vol. 360, No. 5158.
[6] Ibid., vol. 989, No. 14458.
[7] Ibid., vol. 75, Nos. 970-973.
[8] Ibid., vol. 1001, No. 14691.

9. *Encourages* the Office of the High Commissioner to pursue its efforts to strengthen its capacity to respond adequately to emergencies and thereby ensure a more predictable response to inter-agency commitments in case of emergency;

10. *Takes note* of the current activities of the Office of the High Commissioner related to protection of and assistance to internally displaced persons, including in the context of inter-agency arrangements in this field, emphasizes that such activities should be consistent with relevant General Assembly resolutions and should not undermine the mandate of the Office for refugees and the institution of asylum, and encourages the High Commissioner to continue his dialogue with States on the role of his Office in this regard;

11. *Encourages* the Office of the High Commissioner to work in partnership and in full cooperation with relevant national authorities, United Nations organizations and agencies and international, intergovernmental, regional and non-governmental organizations to contribute to the continued development of humanitarian response capacities at all levels, and recalls the role of the Office of the High Commissioner as the cluster lead for protection, camp coordination and management, and emergency shelter in complex emergencies;

12. *Also encourages* the Office of the High Commissioner, among other relevant United Nations organizations, intergovernmental organizations and humanitarian and development actors, to continue to work with the Office for the Coordination of Humanitarian Affairs of the Secretariat to enhance the coordination, effectiveness and efficiency of humanitarian assistance, as stated in General Assembly resolution 63/139 of 11 December 2008 on the strengthening of the coordination of emergency humanitarian assistance of the United Nations;

13. *Further encourages* the Office of the High Commissioner to engage in and fully implement the objectives of the Delivering as One initiative;

14. *Notes with appreciation* the ongoing implementation of the process of structural and management change undertaken by the Office of the High Commissioner, and encourages the Office to complete the reform process, including the implementation of a results-based management and accountability framework and strategy, as well as human resources reform, and to focus on continuous improvement to enable a more efficient response to the needs of beneficiaries and ensure the effective and transparent use of its resources;

15. *Strongly condemns* attacks on refugees, asylum-seekers and internally displaced persons as well as acts that pose a threat to their personal security and well-being, and calls upon all concerned States and, where applicable, parties involved in an armed conflict to take all necessary measures to ensure respect for human rights and international humanitarian law;

16. *Expresses deep concern* at the increasing number of attacks against humanitarian aid workers and convoys and, in particular, the loss of life of humanitarian personnel working under the most difficult and challenging conditions in order to assist those in need;

17. *Emphasizes* the need for States to ensure that perpetrators of attacks committed on their territory against humanitarian personnel and United Nations and associated personnel do not operate with impunity, and that the perpetrators of such

acts are promptly brought to justice as provided for in national laws and obligations under international law;

18. *Deplores* the refoulement and unlawful expulsion of refugees and asylum-seekers, and calls upon all concerned States to ensure respect for the relevant principles of refugee protection and human rights;

19. *Emphasizes* that international protection of refugees is a dynamic and action-oriented function that is at the core of the mandate of the Office of the High Commissioner and that it includes, in cooperation with States and other partners, the promotion and facilitation of, inter alia, the admission, reception and treatment of refugees in accordance with internationally agreed standards and the ensuring of durable, protection-oriented solutions, bearing in mind the particular needs of vulnerable groups and paying special attention to those with specific needs, and notes in this context that the delivery of international protection is a staff-intensive service that requires adequate staff with the appropriate expertise, especially at the field level;

20. *Affirms* the importance of age, gender and diversity mainstreaming in analysing protection needs and in ensuring the participation of refugees and other persons of concern to the Office of the High Commissioner, as appropriate, in the planning and implementation of programmes of the Office and State policies, and also affirms the importance of according priority to addressing discrimination, gender inequality and the problem of sexual and gender-based violence, recognizing the importance of addressing the protection needs of women and children in particular;

21. *Strongly reaffirms* the fundamental importance and the purely humanitarian and non-political character of the function of the Office of the High Commissioner of providing international protection to refugees and seeking permanent solutions to refugee problems, and recalls that those solutions include voluntary repatriation and, where appropriate and feasible, local integration and resettlement in a third country, while reaffirming that voluntary repatriation, supported, as necessary, by rehabilitation and development assistance to facilitate sustainable reintegration, remains the preferred solution;

22. *Expresses concern* about the particular difficulties faced by the millions of refugees in protracted situations, and emphasizes the need to redouble international efforts and cooperation to find practical and comprehensive approaches to resolving their plight and to realize durable solutions for them, consistent with international law and relevant General Assembly resolutions;

23. *Recognizes* the importance of achieving durable solutions to refugee problems and, in particular, the need to address in this process the root causes of refugee movements in order to avert new flows of refugees;

24. *Welcomes* the initiative of the High Commissioner to convene, in Geneva on 9 and 10 December 2009, the third Dialogue on Protection Challenges, on the theme "Challenges for persons of concern to the Office of the United Nations High Commissioner for Refugees in urban settings";

25. *Recalls* the important role of effective partnerships and coordination in meeting the needs of refugees and in finding durable solutions to their situations, welcomes the efforts under way, in cooperation with countries hosting refugees and

countries of origin, including their respective local communities, relevant United Nations agencies, international and intergovernmental organizations, regional organizations, as appropriate, non-governmental organizations and development actors, to promote a framework for durable solutions, particularly in protracted refugee situations, which includes an approach to sustainable and timely return which encompasses repatriation, reintegration, rehabilitation and reconstruction activities, and encourages States, in cooperation with relevant United Nations agencies, international and intergovernmental organizations, regional organizations, non-governmental organizations and development actors, to support, inter alia, through the allocation of funds, the implementation of such a framework to facilitate an effective transition from relief to development;

26. *Recognizes* that no solution to displacement can be durable unless it is sustainable, and therefore encourages the Office of the High Commissioner to support the sustainability of return and reintegration;

27. *Welcomes* the progress that has been achieved in increasing the number of refugees resettled and the number of States offering opportunities for resettlement, and the contribution that those States make to durable solutions to refugees, and invites interested States, the Office of the High Commissioner and other relevant partners to make use of the Multilateral Framework of Understandings on Resettlement,[9] where appropriate and feasible;

28. *Notes* with appreciation the activities undertaken by States to strengthen the regional initiatives that facilitate cooperative policies and approaches on refugees and encourages States to continue their efforts to comprehensively address the needs of the people who require international protection in their respective regions, including support for host communities that receive large numbers of persons who require international protection;

29. *Also notes* the importance of States and the Office of the High Commissioner discussing and clarifying the role of the Office in mixed migratory flows, in order to better address protection needs in the context of mixed migratory flows, including by safeguarding access to asylum for those in need of international protection, and notes the readiness of the High Commissioner, consistent with his mandate, to assist States in fulfilling their protection responsibilities in this regard;

30. *Emphasizes* the obligation of all States to accept the return of their nationals, calls upon States to facilitate the return of their nationals who have been determined not to be in need of international protection, and affirms the need for the return of persons to be undertaken in a safe and humane manner and with full respect for their human rights and dignity, irrespective of the status of the persons concerned;

31. *Expresses deep concern* over the challenges posed by climate change and environmental degradation to the protection activities of the Office of the High Commissioner and the assistance it provides to vulnerable populations of concern across the globe, particularly in least developed countries, and urges the Office to continue to address such challenges in its work, within its mandate, and in consultation with national authorities and in cooperation with competent agencies in its operations;

---

[9] Available from www.unhcr.org.

32. *Notes* the important number of displaced persons in and from Iraq and the serious impact on the social and economic situation of countries in the region, and calls upon the international community to act in a targeted and coordinated manner to provide protection and increased assistance to the persons displaced to enable the countries in the region to strengthen their capacity to respond to their needs in partnership with the Office of the High Commissioner, other United Nations agencies, the International Red Cross and Red Crescent Movement and non-governmental organizations;

33. *Urges* all States and relevant non-governmental and other organizations, in conjunction with the Office of the High Commissioner, in a spirit of international solidarity and burden- and responsibility-sharing, to cooperate and to mobilize resources with a view to enhancing the capacity of and reducing the heavy burden borne by host countries, in particular those that have received large numbers of refugees and asylum-seekers, and calls upon the Office to continue to play its catalytic role in mobilizing assistance from the international community to address the root causes as well as the economic, environmental and social impact of large-scale refugee populations in developing countries, in particular the least developed countries, and countries with economies in transition;

34. *Expresses deep concern* with the existing and potential challenges posed by the world financial and economic crisis to the activities of the Office of the High Commissioner;

35. *Calls upon* the Office of the High Commissioner to further explore ways and means to broaden its donor base, so as to achieve greater burden-sharing by reinforcing cooperation with governmental donors, non-governmental donors and the private sector;

36. *Recognizes* that adequate and timely resources are essential for the Office of the High Commissioner to continue to fulfil the mandate conferred upon it through its statute[10] and by subsequent General Assembly resolutions on refugees and other persons of concern, recalls its resolutions 58/153 of 22 December 2003, 58/270 of 23 December 2003, 59/170 of 20 December 2004, 60/129 of 16 December 2005, 61/137 of 19 December 2006, 62/124 of 18 December 2007 and 63/148 of 18 December 2008 concerning, inter alia, the implementation of paragraph 20 of the statute of the Office, and urges Governments and other donors to respond promptly to annual and supplementary appeals issued by the Office for requirements under its programmes;

37. *Requests* the High Commissioner to report on his activities to the General Assembly at its sixty-fifth session.

---

[10] Resolution 428 (V), annex.